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Hon. Brian M. Cogan, U.S.D.J.
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: DHS website
Haitian Evangelical Clergy Ass'n v. Trump, No. 25-cv-1464

Dear Judge Cogan:

Plaintiffs write in follow-up to their July 15 letter, ECF 64.

As of then, the government—contrary to its past practice and its representations to the Court—had not published a notice in the Federal Register advising employers that, as a result of this Court's July 1 ruling, Haitian TPS-holders' Employment Authorization Documents bearing an August 3, 2025, expiration date are valid through February 3, 2026.

The government still has not published notice in the Federal Register.

The government did, however, update the DHS website today. A portion of the website now states:

Haiti's TPS designation and related benefits were slated to terminate on Sept. 2, 2025. However, on July 15, 2025, a single district judge in the U.S. District Court for the Eastern District of New York issued a judgement in *Haitian Evangelical Clergy Ass'n v. Trump*, No. 25-cv-1464, that effectively postpones the effective date of the termination until February 3, 2026.

DHS, Temporary Protected Status Designated Country: Haiti, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti> (visited July 17, 2025, at 7:58 pm) (Ex.1). This statement is inaccurate in two regards. First the Court granted Plaintiffs summary judgment on July 1, not July 15, as a prior version of the updated website acknowledged. *See* Ex. 2 (website as it appeared July 17, 2025, at 2:48 pm). Second, the grant of summary judgment did not "postpone" the effective date of Secretary Noem's "partial vacatur"—it set the "partial vacatur" aside as unlawful.

Far more disturbing than these inaccuracies is the fact that, despite the statement recited above, the DHS website continues to falsely state that EADs with an August 3 deadline are valid only through "Sept. 2, 2025" (Ex. 1 at 1 (cleaned up)), an assertion that cannot be reconciled with this Court's grant of summary judgment, under which Haitian TPS-holders' EADs are valid through February 3, 2026.

Of course, even if the government had revised the DHS website to accurately reflect this Court's July 1 ruling, that still would not fulfill the government's representations to the Court.

Citing its publication of a Federal Register notice extending the validity of EADs after courts blocked the

first Trump administration's unlawful termination of Haiti's TPS designation, the government told this Court that "[t]he same process would occur for" Haitian TPS holders "who have EADS with an August 3, 2025 expiration date." ECF 58 at 2. The government explained that "[f]ollowing ... **publication of the [Federal Register notice]**, individuals with expiring documents would have the ability to show their employers that their EADs have automatically extended." *Id.* (emphasis added).

It is now more than two weeks since the Court set aside the "partial vacatur" as unlawful but the government has yet to publish notice of that fact—and the corresponding extension of EADS—in the Federal Register.

Simply put, the government is reneging on its representations to the Court.

Respectfully submitted,

/s/ Andrew Tauber

Andrew E. Tauber